



U.S. Department of
Transportation

Office of the Secretary
of Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

97-40

Weekly Summary of Orders and
Regulations

SEPTEMBER 29 - OCTOBER 3, 1997

Order	Docket	Summary	Date Action Taken
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97-9-28	OST-97-2618 OST-97-2853	(#) Published in the Federal Register. APPLICATIONS OF ANTONOV DESIGN BUREAU FOR EXEMPTIONS UNDER 49 U.S.C. SECTION 40109(g) The Department confirms its oral actions of June 17 and 20, 1997, granting Antonov Design Bureau authority to operate two one- way emergency cabotage flights between Wilmington, OH, and Seattle, WA, carrying two GE90 aircraft engines and related equipment on behalf of General Electric Aircraft Engines during the period June 18- July 6, 1997; and also its oral action of August 27, 1997, granting one one-way emergency cabotage flight between Wichita/McConnell Air Force Base, KN, and Seattle, WA, carrying five thrust reverser halves and related equipment on behalf of the Boeing Commercial Airplane Company on or about August 28, 1997. Therefore, Antonov is required to comply with the conditions of Appendix A, FAA-approved flight routings, and any requisite Department of Defense procedures. Served 9-30-97	9-24-97
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Order	Docket	Summary	Date Action Taken
97-9-29	OST-97-2658 OST-97-2419 UNDOC'D OST-95-531 OST-97-2591 OST-95-394 OST-97-2611 OST-95-278 OST-95-326 OST-97-2849 OST-97-2358 UNDOC'D OST-97-2857 OST-95-554	<p>APPLICATIONS OF AIR MICRONESIA, INC.; AMERICAN AIRLINES, INC.; ATLAS AIR, INC.; CARNIVAL AIR LINES, INC.; FEDERAL EXPRESS CORPORATION; NORTHWEST AIRLINES, INC.; TOWER AIR, INC.; UNITED AIR LINES, INC.; US AIRWAYS, INC. FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U.S.C. SECTION 40109 AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION</p> <p>The Department confirms the actions described in the Notices of Action Taken, which granted the referenced U.S. air carriers (1) exemptions from the provisions of Section 41101 and where necessary 41504 or as noted in the Notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the Notices of Action Taken</p> <p>Served 9-30-97</p> <p>Intervening number appeared on a previous issue</p>	9-24-97
97-9-31	OST-97-2935 (43481) (42460) (42566) (43777)	<p>ESSENTIAL AIR SERVICE AT HARRISON, ARKANSAS; HOT SPRINGS, ARKANSAS; EL DORADO/CAMDEN ARKANSAS; JONESBORO, ARKANSAS UNDER 49 U.S.C. 41731 <i>et seq.</i></p> <p>The Department is revising the service levels and subsidy rates for Exec Express II, d/b/a Aspen Mountain Air/Lone Star Airlines (Lone Star) for its provision of essential air service (EAS) at El Dorado/Camden, Harrison, Hot Springs, and Jonesboro, Arkansas. It is setting the new service and subsidy levels to be effective from October 1, 1997, or when</p> <p>Continued.....</p>	9-30-97

Order	Docket	Summary	Date Action Taken
97-9-31	OST-97-2935 (43481) (42460) (42566) (43777)	Continued..... the new service is implemented, whichever is later, through the remainder of the carrier's present rate term, which ends on November 30, 1997; and it is tentatively reselecting Lone Star to provide subsidized essential air service at the four communities for a new two-year rate term through November 30, 1999. Served 10-6-97 Intervening number appeared in a previous issue	9-30-97
97-9-33	OST-97-2631	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which is comprised of resolutions between the South West Pacific region of Area 3, and two sub-areas in Area 1, North America/Caribbean and South America. The agreement makes structural changes, amends conditions of travel, and generally increases the level of fares. Served 10-2-97	9-26-97
97-9-34	OST-97-2942	ESSENTIAL AIR SERVICE AT SEWARD, ALASKA UNDER 49 U.S.C. 41731, <i>et seq.</i> The Department is tentatively reselecting F.S. Air Service, Inc. to provide subsidized essential air service at Seward, Alaska, for the two-year period beginning October 1, 1997, through September 30, 1999, at an annual subsidy rate of \$77,918. The Department requests that carriers interested parties show cause within 20 days of the date of service why the tentative findings should not be made final. Objections should be filed with the Documentary Services Division. Carriers interested in filing competing proposals to serve Seward, Alaska should submit their proposals, with subsidy requests, within 20 days of the date of service. Served 10-2-97	9-26-97

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97-9-35	OST-97-2733	<p>NINETY DAY NOTICE OF LYNDEN AIR CARGO, L.L.C. d/b/a LOKEN AVIATION UNDER 49 U.S.C. 41731 <i>et seq.</i> to terminate service at Elfin Cove and Pelican, Alaska</p> <p>The Department will rely on the service of Alaska Seaplane Service L.L. C. to meet the essential air service needs at Elfin Cove and Pelican, Alaska; and it finds Alaska Seaplane Service, L.L.C. fit, willing, and able to provide reliable essential air service at Elfin Cove and Pelican, Alaska.</p> <p>Served 10-2-97</p>	9-26-97
97-9-36	<p>OST-97-2863</p> <p>OST-97-2846</p> <p>OST-97-2801</p> <p>OST-97-2773</p> <p>OST-95-327</p> <p>48154</p> <p>47509</p> <p>UNDOC'D</p>	<p>APPLICATIONS OF VARIOUS FOREIGN AIR CARRIERS FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U.S.C. SECTION 40109 AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION</p> <p>The Department confirms the actions described in the Notices of Action Taken, which granted the referenced foreign air carriers (1) exemptions from the provisions of Sections 41301, and where necessary 41504, and/or other sections of Title 49 of the U.S. Code; and/or (2) relief or authorizations provided for under regulations or orders of the Department, to the applicants to perform the operations described in the Notices of Action Taken.</p> <p>Served 10-2-97</p>	9-26-97

Order	Docket	Summary	Date Action Taken
97-9-37	OST-95-405 OST-95-429	<p>INTRA-ALASKA BUSH SERVICE MAIL RATE ; INTRA-ALASKA CLASS SERVICE MAIL RATE (MAINLINE RATE)</p> <p>The Department proposes to: (1) change the methodology it currently uses to update the Alaska Bush and Mainline mail rates; (2) change the frequency of the Alaska Mainline rate updates from twice a year to once a year; and (3) adjust the procedural schedule for responses to Alaska mail rate show-cause orders by eliminating the provision for Notices of Objection and extending the Answer period to 45 days after the service date of the Show Cause Order. Therefore, all interested persons are directed to show cause why the Department should not adopt the changes to its Alaska mail ratemaking methodology and procedures as described and to file such objections not later than 30 days after the service date of this order, stating in detail, with supporting documentation, the reasons why any of the proposed actions should not be implemented.</p> <p>Served 10-3-97</p>	9-29-97
97-9-38	OST-97-2477 OST-97-2481 UNDOC'D OST-96-1988 OST-97-2161 UNDOC'D OST-96-1332 UNDOC'D	<p>APPLICATIONS OF AMERICAN AIRLINES, INC. AERO CALIFORNIA S.A. DE C.V. UNDER 49 U.S.C 40109 FOR EXEMPTION (U.S.-MEXICO AND ROUTE INTEGRATION; CODE-SHARING); JOINT APPLICATION OF AMERICAN AIRLINES, INC. AND AERO CALIFORNIA S.A. DE C.V. FOR STATEMENTS OF AUTHORIZATION UNDER 14 CFR PARTS 207 AND 212 (RECIPROCAL CODE-SHARING SERVICES); JOINT APPLICATION OF UNITED AIR LINES, INC. AND COMPANIA MEXICANA DE AVIACION, S.A. DE C.V. UNDER 49 U.S.C 40109 FOR EXEMPTIONS (U.S.-MEXICO) AND</p> <p>Continued.....</p>	9-29-97

Order	Docket	Summary	Date Action Taken
97-9-38	OST-97-2477 OST-97-2481 UNDOC'D OST-96-1988 OST-97-2161 UNDOC'D OST-96-1332 UNDOC'D	Continued..... ROUTE INTEGRATION; AND FOR STATEMENTS OF AUTHORIZATION UNDER 14 CFR PARTS 207 AND 212 (RECIPROCAL CODE-SHARING SERVICES); APPLICATIONS OF DELTA AIR LINES, INC. DELTA AIR LINES, INC. AND AEROVIAS DE MEXICO, S.A. DE C.V. UNDER 49 U.S.C 40109 FOR EXEMPTIONS (U.S.-MEXICO) AND ROUTE INTEGRATION; AND FOR STATEMENTS OF AUTHORIZATION UNDER 14 CFR PARTS 207AND 212 (RECIPROCAL CODE-SHARING SERVICES); APPLICATION OF NORTHWEST AIRLINES, INC. UNDER 49 U.S.C. 40109 FOR EXEMPTIONS (U.S.- MEXICO) (CODE-SHARING SERVICES WITH U.S. PARTNER); REQUESTS FOR DESIGNATIONS AMERICAN AIRLINES, INC. UNITED AIR LINES, INC. FOR SCHEDULED AIR TRANSPORTATION SERVICES (U.S.- MEXICO) WITH SMALL AIRCRAFT, PURSUANT TO PART 298 OF THE DEPARTMENT'S REGULATIONS (CODE-SHARING SERVICES WITH U.S. PARTNER) The Department makes final its tentative decision in Order 97-7-31, issued July 29, 1997, to condition all existing and future U.S.- Mexico code-share authorities to establish a rebuttable presumption in favor of replacing code-share services with direct air carrier services in a given city-pair market. Further, upon reconsideration, affirms its decision in Order 97-7-31 to defer action on certain portions of the American/Aero California applications. The motion of Northwest Airlines, Inc. for leave to file an otherwise unauthorized document is granted Served 10-3-97	9-29-97

Order	Docket	Summary	Date Action Taken
97-9-39	OST-96-1881	<p>APPLICATION OF AIR JAMAICA LIMITED FOR EXTENSION OF EXEMPTION</p> <p>The Department vacates Orders 97-9-22 and 97-9-17. Those Orders otherwise would have revoked Air Jamaica Limited's Department exemption to conduct scheduled combination operations between New York, New York, and Atlanta, Georgia, on the one hand, and Barbados, on the other, via the intermediate points Antigua and Barbuda and St. Lucia, effective 11:59 p.m., September 30, 1997. Served 9-30-97</p>	9-30-97
97-10-1	OST-97-2255 OST-97-2256	<p>APPLICATIONS OF CUSTOM AIR TRANSPORT, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE AND FOREIGN CHARTER AIR TRANSPORTATION OF PERSONS, PROPERTY AND MAIL</p> <p>Because no objections to the show-cause order 97-8-29 were received within the answer period provided, The Department finds that Custom Air Transport, Inc., is fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail and issues a certificate of public convenience and necessity to Custom Air Transport, Inc., authorizing it to engage in interstate charter Air transportation of persons, property, and mail. Once its certificate becomes effective, should Custom Air Transport, Inc., propose to utilize more than seven aircraft in its operations (five cargo and two passenger aircraft), it must notify the Department in writing at least 45 days in advance and demonstrate its fitness for such operations prior to placing the additional aircraft into service. Served 10-2-97</p>	10-1-97

Intervening numbers have not been issued

Order	Docket	Summary	Date Action Taken
97-10-5	UNDOC'D	<p>THAI AIRWAYS INTERNATIONAL, PUBLIC COMPANY LIMITED VIOLATIONS OF 49 U.S.C SECTIONS 41301 AND 41712 AND ORDER 92-11-4 The Department approves this settlement and the provisions of this order as in the public interest and finds that Thai Airways International, Public Company Limited to have violated 49 U.S.C. Section 41301 by holding out and conducting operations in the Bangkok-Osaka-Los Angeles market without requisite authority from the Department. By engaging in the conduct and violations described, it finds that the Airline also violated 49 U.S.C. Section 41712 and the cease and desist provisions of Order 92-11-4. Therefore, Thai Airways International, Public Company Limited, and all other entities owned or controlled by Thai Airways, and their successors and assignees, are ordered to cease and desist from violations of 49 U.S.C. Sections 41301 and 41712 and Order 92-11-4 and is assessed \$20,000 in compromise of civil penalties Served 10-3-97</p> <p>ORDERS NOT RELEASED AS OF 10-3-97: 97-10-2, 97-10-3, and 97-10-4</p>	10-3-97